


ANALYSIS

This ordinance extends Interim Ordinance No. 2008-0027U for a maximum period of 10 months and 15 days to June 9, 2009. Interim Ordinance No. 2008-0027U, adopted on June 10, 2008, temporarily regulates the development of all residentially-zoned parcels improved, or to be improved, with residential buildings in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, by requiring a conditional use permit for buildings and building additions that exceed 26 feet in height and for yard modifications other than for fences or walls which are located within required setbacks.

This extension ordinance is an urgency measure which requires a public hearing and a four-fifths vote by the Board of Supervisors for adoption.

RAYMOND G. FORTNER, JR.
County Counsel

By 

ELAINE M. LEMKE
Principal Deputy County Counsel
Property Division

EML:vn

7/10//08 (requested)

7/10//08 (revised)

ORDINANCE NO. 2008-0038U

An ordinance extending Interim Ordinance No, 2008-0027U, temporarily regulating the use of all residential buildings on residentially-zoned parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west, declaring the urgency thereof, and that this ordinance will take effect on July 25, 2008.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Interim prohibition.

Pursuant to section 65858 of the Government Code, the board of supervisors having held a public hearing, hereby extends Interim Ordinance No. 2008-0027U to June 9, 2009. Interim Ordinance No. 2008-0027U provided, and this extension similarly provides, that no residential buildings or residential building additions which exceed 26 feet in height shall be constructed and no yard modifications except for fences or walls located within required setbacks shall be permitted on any property improved, or proposed to be improved, with a residential building that: (1) is located within the area described in Section 6, below; and (2) is zoned for residential use as defined in Title 22 of the Los Angeles County Code, unless a conditional use permit is first issued in accordance with the procedures set forth in Part 1 of Chapter 22.56 of said Title 22.

SECTION 2. Adoption and expiration of initial interim ordinance; authority.

Interim Ordinance No. 2008-0027U was adopted on June 10, 2008. Unless this ordinance takes effect on or before July 25, 2008, Interim Ordinance No. 2008-0027U

will expire. California Government Code section 65858 provides that any urgency measure in the form of an initial interim ordinance may be adopted without following the procedures otherwise required prior to adoption of a zoning ordinance, by a four-fifths vote of the board of supervisors, which shall be effective for only forty-five (45) days following its adoption. Government Code section 65858 further provides that such an urgency measure may be extended, following compliance with that section, for an additional 10 months and 15 days beyond the original 45-day period, and it can be extended a second time for an additional year.

SECTION 3. Definitions and penalties.

The definitions and penalties for land use violations that are prescribed in Title 22 of the Los Angeles County Code shall apply to the interpretation and to violations of the provisions of this interim ordinance.

SECTION 4. Zoning study initiated, determination of immediate threat.

The Los Angeles County Regional Planning Department ("Planning Department") has commenced a comprehensive zoning study to review all residentially-zoned properties in the affected Cerritos Island area to consider a possible permanent zoning ordinance amendment. The Planning Department study will review development standards in the area to, among other things, assess the heights and yard sizes for buildings and street access issues. The affected area includes many substandard lots in terms of size and many parcels are located on substandard streets. Residential development in the Cerritos Island area and surrounding communities has a certain

character in terms of yard size and building heights. Generally, in the past, development accounted for the size of the lots and impacts on neighboring properties and the buildings constructed were consistent with the character of the community. More recently, however, buildings near the maximum height limit, and with less than required setbacks, have been constructed which are not compatible with other homes in the area and are out of character with the surrounding community. Also, at least one street in the Cerritos Island area is substandard in width raising, among other things, questions related to fire safety. Allowing residential buildings, or residential building additions, that exceed 26 feet in height and permitting yard modifications for residential buildings in the affected area to proceed without the oversight provided by the review process for a conditional use permit may negatively impact and detract from the physical appearance, conditions, and character of the area and may impact fire safety. Unless this interim ordinance is extended as provided for herein, an irreversible incompatibility of land uses might reasonably occur as a result of the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements, all to the detriment of the public health, safety, and welfare. Accordingly, the board of supervisors finds that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, variances, building permits, site plans, yard modifications, or other applicable entitlements for use would result in that threat to the public health, safety, or welfare absent extension of the restrictions contained in Interim Ordinance No. 2008-0027U. If this interim ordinance does not take on July 25, 2008, uses that

may be in conflict with any permanent amendment to the zoning code for the affected Cerritos Island area that may be adopted as a result of the Planning Department study may be established, and these uses may continue after any permanent re-zoning of the properties described in Section 6.

SECTION 5. Severability.

If any provision of this interim ordinance extension or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provisions or application, and, to this end, the provisions of the interim ordinance are hereby declared to be severable.

SECTION 6. Area of applicability.

This interim ordinance applies to parcels in the unincorporated Cerritos Island area bounded by 166th Street to the north, Gridley Road to the east, 167th Street to the south, and Elmcroft Avenue to the west. This area is surrounded by the City of Norwalk to the north and the City of Cerritos in all other directions.

SECTION 7. Urgent need.

This interim ordinance extension is urgently needed for the immediate preservation of the public health, safety, and welfare, and it shall take effect on July 25, 2008, and it shall be of no further force and effect 10 months and 15 days following the date of its taking effect unless further extended in accordance with the provisions set forth in Government Code section 65858.

[CERRITOSURGORDEXTELCC]

SECTION 8. This ordinance shall be published in The Metropolitan News a newspaper printed and published in the County of Los Angeles.



Yvonne B. Burke
Chair

ATTEST:

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of July 22, 2008 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes
Supervisors Gloria Molina
Zev Yaroslavsky
Don Knabe
Michael D. Antonovich
Yvonne B. Burke

Noes
Supervisors None

Effective Date: July 25, 2008

~~Operative Date:~~ _____

Sachi A. Hamai
Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
RAYMOND G. FORTNER, JR.
County Counsel

By Leela Kapur
Leela Kapur
Chief Deputy County Counsel